



United States Department of the Interior

OFFICE OF THE SECRETARY

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PERSONNEL MANAGEMENT LETTER NO. 95 - 8 (920)

SUBJECT: Reduction in Force in the Senior Executive Service

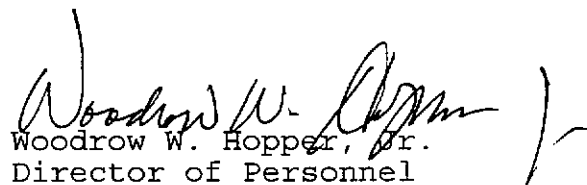
Attached is the revised Departmental policy for reduction in force (RIF) in the SES. This plan replaces the plan contained in the Departmental Manual (370 DM 920, Subchapter 7; issued July 1982).

The new RIF plan for the SES contains several major revisions:

- The area of competition has been changed from Department-wide to bureaus and organizational components equivalent to bureaus.
- Bureau directors / equivalent officials will recommend for Executive Resources Board approval the establishment of competitive levels and competitive groups.
- Competitive groups will be determined by the executives' current performance ratings (based on the new three-level rating system) and by performance recognitions received by the executives.
- Retention standing within the competitive groups will be determined by the total retention credits allotted for performance recognition and for years of service.
- The notice period for SES members subject to release from their competitive level is 45 calendar days.

This revised RIF policy for the SES is effective immediately.

Please direct questions about RIF in the SES to Terry Steele, Office of Personnel, on (202) 208-7765.


Woodrow W. Hopper, Jr.
Director of Personnel

Attachment

U.S. DEPARTMENT OF THE INTERIOR

PLAN
for
REDUCTION IN FORCE IN THE SENIOR EXECUTIVE SERVICE

JULY 1995

I. Policy

The Department will institute Reduction in Force (RIF) procedures in the Senior Executive Service (SES) when career SES members must be released from their positions due to elimination or modification of one or more SES positions due to a reorganization, lack of funds, curtailment of work, or any other factor.

The Department will utilize a RIF in the SES only when it is not possible to reassign affected SES members into continuing SES positions within the Department.

II. Coverage

RIF in the SES applies only to career appointees, including career appointees serving in a probationary period. Retention of reemployed annuitants, and of noncareer, limited term, and limited emergency SES appointees will be considered separately from these procedures established for career SES appointees.

III. Competitive Areas, Competitive Levels, and Competitive Groups

A. Competitive Areas

The areas of competition for RIF in the SES are bureaus and organizational components equivalent to bureaus. An SES member in one competitive area who is released from his or her position due to RIF will not displace an SES member in any other competitive area.

The competitive areas are:

1. Office of the Inspector General
2. Office of the Solicitor
3. Office of the Secretary and
Office of the Assistant Secretary -
Policy, Management and Budget

(Includes SES positions in the Immediate Offices of the Assistant Secretaries)

4. National Park Service

5. U.S. Fish and Wildlife Service
6. National Biological Service
7. U.S. Geological Survey
8. Bureau of Reclamation
9. Bureau of Mines
10. Bureau of Land Management
11. Office of Surface Mining Reclamation and Enforcement
12. Minerals Management Service
13. Bureau of Indian Affairs

B. Competitive Levels

1. Competitive levels are established within each competitive area. A competitive level includes all positions which are sufficiently alike in qualification requirements, duties, and responsibilities to permit reassignment of an executive from one position to another without undue interruption of work and with the expectation that the reassigned executive will be able, within a reasonable amount of time, to perform at an acceptable level of competence.
2. Bureau Directors and Office Heads will recommend to the ERB, through the cognizant Assistant Secretary, assignment of a competitive level to all positions occupied by career SES appointees within their organization.
3. The ERB will review and approve establishment of competitive levels, and inclusion of the specific positions within each competitive level, before a RIF may proceed in any competitive area.

C. Competitive Groups and Subgroups (Retention Registers)

1. SES members within a competitive level are placed in the competitive groups and subgroups listed in the following section (III.C.3.). Competitive groups are primarily based upon SES members' current official and final performance rating of record.
2. The order of retention standing within a competitive group is determined by the total number of retention credits allotted to each executive

3. Competitive groups and subgroups are established as follows:

Group I: Post-probationary SES members with a current performance rating of PASS who have received one or more of the following performance recognitions:

<u>Performance Recognition</u>	<u>Retention Credit</u>
- Distinguished Rank (past 4 years):	2 points
- Meritorious Rank (past 4 years):	1 point
- Performance bonus/incentive award (past 1 year):	1 point
- DOI Distinguished Service Award: (awarded during tenure as an SES member)	1 point
- DOI Meritorious Service Award: (awarded during tenure as an SES member)	0.5 point
- SES pay rate increase (provided in lieu of a performance bonus at the end of the rating period in the past 1 year)	0.5 point

Group II: Post-probationary SES members with a current performance rating of PASS who have not received any of the performance recognitions listed under Group I:

<u>Service</u>	<u>Retention Credit</u>
- Each full year of SES service: (maximum 5 years)	0.5 point
- Each full year of Federal service: (maximum 20 years)	0.1 point

Group III: Probationary SES members with a current performance rating of PASS who have received one or more of the following performance recognitions:

<u>Performance Recognition</u>	<u>Retention Credit</u>
- Performance bonus/incentive award (past 1 year):	1 point
- DOI Distinguished Service Award: (past 4 years)	1 point
- DOI Meritorious Service Award: (past 4 years)	0.5 point

Group IV: Probationary SES members with a current performance rating of PASS who have not received any of the performance recognitions listed under Group III:

<u>Service</u>	<u>Retention Credit</u>
Each full year of SES service: (maximum 5 years)	0.5 point
Each full year of Federal service: (maximum 20 years)	0.1 point

(Continued)

Group V: SES members with a current performance rating of PROVISIONAL:

<u>Service</u>	<u>Retention Credit</u>
- Each full year of SES service: (maximum 5 years)	0.5 point
Each full year of Federal service: (maximum 20 years)	0.1 point
Subgroup V-A: Post-Probationers	
Subgroup V-B: Probationers	

Group VI: SES members with a current performance rating of FAIL:

<u>Service</u>	<u>Retention Credit</u>
Each full year of SES service: (maximum 5 years)	0.5 point
Each full year of Federal service: (maximum 20 years)	0.1 point
Subgroup VI-A: Post-Probationers	
Subgroup VI-B: Probationers	

4. The ERB will review and approve all competitive groups and subgroup listings for each competitive level before a RIF may proceed within a competitive area.

D. Release from the competitive level

SES members will be identified for release from their competitive level in the inverse order of retention standing, beginning with the executive in the lowest subgroup with the lowest standing on the retention register.

1. If two or more executives in the same competitive group or subgroup have the same number of retention credits, the date of entrance on duty into the SES is used to determine retention standing.
2. If both the numbers of retention credits and the dates of entrance on duty into the SES are identical, then the executives' service computation dates are used to determine retention standing.
3. The executive having the earliest date of entrance on duty into the SES (or earliest Service Computation Date if applicable) will be placed highest on the retention register

IV. Authorities

A. The Executive Resources Board (ERB)

1. Establishes Departmental policy governing RIF in the SES.
2. Determines the necessity of a RIF. No RIF in the career SES will be conducted without the prior written approval of the ERB.
3. Approves abolishment of specific SES positions due to RIF.
4. Certifies to the Office of Personnel Management (OPM) that there are currently no vacant SES positions within the Department to accommodate SES members affected by a RIF.
5. Approves RIF procedures:
 - a. Reviews and approves the establishment of competitive levels, and competitive groups and subgroups (retention registers) within each competitive area.
 - b. Approves the issuance of RIF notices to affected SES employees.
 - c. Approves placement of SES members affected by RIF.

B. Assistant Secretaries

1. Assistant Secretaries are responsible for overseeing and coordinating SES RIF procedures for the competitive areas within their organizations.
2. Without the written concurrence of the cognizant Assistant Secretary, the ERB will not entertain requests for approval of:
 - a. a RIF within a competitive area;
 - b. abolishment of specific SES positions within the competitive area; or
 - b. establishment of competitive levels, or competitive groups and subgroups within a competitive area.

C. Bureau and Office Directors

Bureau and Office directors, as heads of the competitive areas, are responsible for managing a RIF in the SES within their organizations. Specific responsibilities include:

1. Making recommendations to, and requesting approval from, the ERB regarding the necessity of a RIF within their organizations.
2. Making recommendations to, and requesting approval from, the ERB regarding which SES positions are to be abolished in a RIF.
3. Making recommendations to, and requesting approval from, the ERB regarding establishment of competitive levels, and competitive groups and subgroups within their organizations.
4. After obtaining the approval of the ERB, issuing RIF notices to affected SES members within their organizations.
5. Making recommendations to, and requesting approval from, the ERB regarding placement of SES members within their organizations who are released from their competitive levels due to RIF.

D. Personnel Officers

1. Under the direction of the cognizant bureau or office head, will maintain all records pertinent to the establishment of competitive levels, and competitive groups and subgroups for the competitive area.

V. OPM Placement Assistance

- A. OPM provides placement assistance to career SES members who have completed the SES probationary period and who are in process of being removed from the SES because of RIF.
- B. The Chair of the ERB (or the Assistant Secretary - Policy, Management and Budget, if the Chair is below the Assistant Secretary level) provides written certification to OPM, describing internal placement efforts being made on behalf of affected employees and indicating that there are currently no vacant SES positions within the Department for which the affected employees are qualified.

- C. SES members affected by a RIF will be notified of their rights to placement assistance through OPM. To receive this assistance, the affected SES member must provide OPM:
 - 1. a completed, signed, and dated current application for employment (including geographic availability);
 - 2. the most recent SES performance appraisal;
 - 3. a Privacy Act statement giving OPM permission to release this information to other agencies; and
 - 4. (optional) a brief synopsis, suitable for publication, of their technical and managerial qualifications addressing the five Executive Core Qualifications as appropriate.
- D. SES members who fail to provide OPM with this information will be considered to have declined OPM placement assistance.
- E. Affected SES members are entitled to priority referral assistance for 45 calendar days from the date OPM acknowledges receipt of certification that the employees cannot be placed in an SES position within the Department.
- F. If an employee certified to OPM for placement assistance turns down an offer of career SES appointment from any agency to which referred by OPM, then OPM's placement efforts immediately cease and all outstanding priority referrals of the employee will be canceled.
- G. Employees who decline a reasonable offer of placement into an SES position through OPM placement assistance program may be removed from the SES at the end of the notice period.

VI. Notices

A. Initial notice

Each career SES member subject to release from the competitive level due to RIF will receive an initial written notice, concurrent with certification to OPM, at least 45 calendar days before the effective date of the action. This notice must include:

1. The action to be taken and its prospective effective date.
2. The reasons for the action.
3. The employee's competitive area, competitive level, competitive group, and competitive subgroup (if applicable).
4. The place where the employee may inspect the regulations and records pertinent to the action
5. Placement rights within the Department and through OPM's placement assistance program.
6. Notice of the employee's referral to OPM for placement assistance, date of such referral, and instructions for providing OPM information required for the placement assistance.
7. The employee's appeal rights, including the time limit for appeal and the location of the Merit Systems Protection Board office to which an appeal should be sent.

B. Final notice

In addition to the initial notice, SES members being released from their competitive levels due to RIF will receive a second and final notice at least one day before removal from the SES. This second notice will contain the following information:

1. The basis for removal from the SES (i.e., expiration of the 45-day placement period; declination of a reasonable offer);
2. The effective date of the removal;
3. Placement rights outside the SES;
4. Information regarding the employee's eligibility for severance pay or discontinued service retirement, as applicable; and
5. A reminder of the employee's appeal rights.

VII. Appeal rights

A career appointee may appeal to the Merit Systems Protection Board whether the RIF complies with the competitive procedures contained in the governing regulations [5 CFR 359.602(a)]

VIII. Placement Rights

A. During the notice period and the referral period to OPM for placement assistance, the employee remains as a career appointee of the SES with the Department.

B. Placement in vacant SES positions

1. SES members who have completed their SES probationary period and are identified for release from their competitive level under RIF procedures have placement rights into any vacant SES position in the Department for which they meet the qualification requirements.
2. Management has discretion whether to offer SES members serving a probationary period a vacant SES position for which they meet the qualification requirements.
3. SES members who have completed the SES probationary period have priority for placement in a vacant SES position over SES members still serving a probationary period.

C. Placement in a GS-15 position, or equivalent

1. If there are no vacant SES positions available within the Department for which they meet the qualifications requirements, SES members who are released from their competitive levels due to RIF will be offered a position at the GS-15 level, or equivalent.
2. Employees must meet the following requirements to be eligible for placement in a GS-15/equivalent position due to RIF in the SES:
 - a. They either:
 - have completed the SES probationary period; or
 - if serving in the probationary period, held a career or career-conditional appointment in the competitive service (or equivalent appointment) at the time they were appointed to the career SES.

- b. They meet the qualifications requirements of the position they are being offered.
- 3. The GS-15/equivalent position offered to the affected employee must be a continuing position. That is, the position must last at least three months.
- 4. If the employee being offered the GS-15/equivalent position is a probationary appointee, or is a nonprobationary appointee who at the time he or she was appointment to the career SES held a career or career-conditional appointment in the competitive service (or equivalent appointment), then the employee is entitled to be placed in a GS-15 position of tenure equivalent to that of the appointment held at the time he or she was appointed to the SES (e.g., a permanent, term, or intermittent appointment).
- 5. Placement in a GS-15 position under these procedures must not cause the separation or reduction in grade of any other employee.

G. Pay

- 1. An employee removed from the SES and placed in a GS-15 position under RIF procedures is entitled to receive the highest of:
 - a. The rate of basic pay in effect for the GS-15 position in which the employee is being placed;
 - b. The rate of basic pay currently in effect for the position that the employee held in the civil service immediately before being appointed to the SES; or
 - c. The rate of basic pay in effect for the employee immediately before being removed from the SES.
- 2. Pay provided under this provision will terminate if:
 - a. The employee has a break in service of one (1) workday or more;
 - b. The employee is demoted because of conduct or unacceptable performance; or
 - c. The employee requests reassignment to a lower grade.

IX. Records

- A. Each bureau and office, through its servicing personnel operations office, will maintain current records needed to determine retention standing of its career SES appointees.
- B. SES members have the right to inspect retention registers and related records to the extent that the cognizant Personnel Officer determines that they have a bearing on the executive's situation regarding RIF.
- C. The servicing personnel operations offices will retain intact all retention registers and records relating to RIF for at least two years from the effective date of the action.

X. Legal Authority

- A. The statute establishing RIF policy and procedures for the SES is 5 U.S.C. 3595.
- B. The regulations governing RIF policy and procedures in the SES are 5 CFR 359 Subparts D (359.405), F (359.601-359.608), and G (359.701-359.705)

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